

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20cr78

MALCOLM MCKINNEY,

Defendant.

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before the undersigned United States Magistrate Judge pursuant to Federal Rule of Criminal Procedure 11, and referral from a United States District Judge and has entered a plea of guilty to Counts Two and Three of the indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, the undersigned determined that the Defendant is competent, and fully informed of the nature of the charges, including the prescribed penalties. The inquiry, as set forth in the record, confirmed that Defendant's guilty plea was knowledgeable and voluntary, not the result of force, threats, or promises other than the Government's representations in any written Plea Agreement. The Statement of Facts to which Defendant attested confirms the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. Accordingly, the undersigned recommends that the plea of guilty be accepted.

NOTICE

The Defendant is advised that he/she may file specific written objections to this Report and Recommendation with the court within fourteen (14) days of the date noted below. If objections

are noted, the party objecting must promptly arrange for the transcription of the relevant record and file it forthwith with the court for its use in any review. Failure to object in accordance with this notice, including the requirement for preparation of a transcription of the relevant portions of the record, will constitute a waiver of any right to *de novo* review of the matter and may result in adoption of the recommendation, including acceptance of the plea as recommended by the report and adjudication of guilt based on the plea.

The Clerk is directed to deliver a copy of this Report and Recommendation to counsel for the United States and to counsel for the Defendant.



UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia
Entered: February 27, 2023